IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF MISSOURI SOUTHERN DIVISION

DAVID STEBBINS,)
Plaintiff,)
v.))
RELIABLE HEAT & AIR, LLC, et al., And)Case No. 10-3305-CV-S-RED)
RANDAL RICHARDSON, et al.)
Defendants.)

SUPPLEMENT TO SECOND MOTION FOR RECONSIDERATION

Comes now Plaintiff David Stebbins, who respectfully submits the following supplement to his second motion for reconsideration of my motion to confirm an arbitration award.

If you look to the second paragraph in my reply suggestion (Document #81), you will find that I argued that, because the Defendants did not file a motion to vacate, nothing else matters, and I should win automatically. I used U.S. Supreme Court case law that was sort of on point, but not directly. Well, I have now found new case law, that is *directly* on point: *Sheet Metal Workers International Association v. Systemaire, Inc.*, 8th Cir., Case Nos. 98-3414 and 98-3414.

That case primarily concerned itself with the issue that Systemaire was time-barred from bringing the claim. However, there is one other thing the Eighth Circuit said that directly influences this case: "An [opponent to arbitration] may not assert a defense to a motion to enforce an arbitration award that could have been raised in an action to vacate."

There it is in black and white: Proof positive that my second paragraph to my reply suggestion is correct as a matter of law. Without a valid motion to vacate, nothing else matters.

Your Honor, this is ridiculous. Here I have complete, irrefutable case law *directly* on point, so at this point, if you deny this motion for reconsideration, there will simply be no excuse. Please, end these shinanigans and confirm the award.

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CERTIFICATE OF SERVICE

I, Plaintiff David Stebbins, hereby certify that a true and correct copy of my supplement to my motion for reconsideration was served on Gary Allman, attorney for the Defense, by emailing a copy to garywallman@gmail.com on the 30th day of April, 2011.

David Stebbins

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